



**UNITED STATES DEPARTMENT OF COMMERCE
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DN

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/892,403	07/15/97	MURPHY	B 17634-000510

HM22/0426
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EXAMINER

BRUMBACK, B

ART UNIT PAPER NUMBER

1643

17

DATE MAILED: 04/26/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Examiner

Brenda Brumback

Group Art Unit

1643



All participants (applicant, applicant's representative, PTO personnel):

(1) Brenda Brumback (3) _____

(2) Jeff King (4) _____

Date of Interview Apr 21, 1999

Type: ☒ Telephonic ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☒ No. If yes, brief description:

Agreement ☐ was reached. ☒ was not reached.

Claim(s) discussed: 1, 47, 49, 63, and 64

Identification of prior art discussed:

None

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

The supplemental restriction requirement and indication of allowable subject matter in Paper # 13 were again discussed. Applicant agreed that the last species (iv) of the Markush group added to claim 1 is drawn to a separate invention and proposed its removal. Applicant argued that species (i) - (iii) are not drawn to separate inventions but were added to structurally define the claimed recombinant viruses over the biologically derived mutants of the prior art. Applicant's arguments were persuasive and the examiner agreed to consider species (i) - (iii) as part of the elected invention if species (iv) were removed. Applicant will file an amendment after final incorporating the proposed changes.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. ☒ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. ☐ Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

Brenda Brumback 4-23-99

Examiner Note: You must sign and stamp this form unless it is an attachment to a signed Office action.